

2009 DRAFTING REQUEST

Bill

Received: 11/03/2008

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - LRC**

By/Representing: **Don Dyke**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **don.dyke@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Public service commission remedial changes

Instructions:

Redraft 2007 AB 765

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 11/04/2008	nnatzke 11/12/2008		_____			
/1			rschluet 11/12/2008	_____	lparisi 11/12/2008	cduerst 10/30/2009	

FE Sent For:

<END>

None

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Required

1 11/7 JLD

Typed _____ Proofed _____

<END>

<END>

FE Sent For:

Dyke, Don

From: Lorence, John PSC [John.Lorence@psc.state.wi.us]
Sent: Thursday, October 30, 2008 9:44 AM
To: Dyke, Don
Cc: Sakk, Lori - PSC
Subject: 2009 Law Revision submission

Don,

The Commission would like to resubmit our 2007 Law Revision Bill as a 2009 request. Last session's bill was introduced as **2007 Assembly Bill 765 (LRB-0926/2)**. The bill was passed the Assembly but did not get through the Senate before the session ended.

Please let me know if you need anything else from us at this time.

Thanks,

John Lorence
Deputy General Counsel
Public Service Commission of Wisconsin
610 N. Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

Phone: (608) 266-8128

Fax: (608) 266-3957

E-mail: john.lorence@psc.state.wi.us

Web page: <http://psc.wi.gov>

11-4-08

2007 ASSEMBLY BILL 765

2009 BILL

LPS-
check
auto refs

February 6, 2008 - Introduced by LAW REVISION COMMITTEE. Referred to Committee on Energy and Utilities.

AN ACT *to repeal* 196.196 (1) (g) 4., 196.196 (5) (f) 1. e. and 196.218 (9); and *to amend* 196.09 (9) (a) 2., 196.196 (1) (g) 1. (intro.), 196.196 (5) (f) 1. (intro.), 196.196 (5) (f) 1. f., 196.215 (7) (b) 1., 196.218 (4), 196.218 (5m) and 196.218 (5r) (a) (intro.) of the statutes; **relating to:** certain review, reporting, and out-of-date requirements regarding the Public Service Commission (suggested as remedial legislation by the Public Service Commission).

Analysis by the Legislative Reference Bureau

This bill makes the following changes to statutes administered by the Public Service Commission (PSC):

1. Under current law, the PSC must submit a biennial report to the Joint Committee on Information Policy and Technology regarding investments in advanced telecommunications infrastructure and the report must cover specified topics, including integrated services digital network (ISDN) deployment. This bill requires the PSC to submit the report to the legislature and eliminates the requirement that the report must cover ISDN deployment. Also, the bill requires the report to cover a topic only if there are issues with the availability or deployment of telecommunications infrastructure regarding the topic.

2. The bill requires the PSC to review telecommunications depreciation guidelines every three years, rather than every two years as required under current law.

ASSEMBLY BILL 765

JCIPT
3. Under current law, the PSC must submit an annual report to ~~the Joint Committee on Information Policy and Technology~~ regarding the universal service fund (USF). This bill requires the PSC to submit the report biennially to the legislature.

4. Current law requires the PSC to review, at least biennially, rules regarding the USF. The bill requires the PSC to review the rules, but eliminates the biennial requirement.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Public Service Commission and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4, stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 196.09 (9) (a) 2. of the statutes is amended to read:

196.09 (9) (a) 2. The commission shall review ~~biennially~~ triennially the guidelines established under subd. 1., except that if the commission receives, more than 365 days before the deadline for a ~~biennial~~ review, a written request from a telecommunications utility for a review, the commission shall review the guidelines no later than 365 days after receiving the request.

NOTE: This section changes, from a biennial to a triennial requirement, the requirement for the public service commission to review the guidelines establishing classes of fixed capital that telecommunications utilities use for public utility purposes, a range of annual depreciation rates for each of those classes, and a composite range of annual depreciation rates for all classes of fixed capital.

SECTION 2. 196.196 (1) (g) 1. (intro.) of the statutes is amended to read:

196.196 (1) (g) 1. (intro.) Five years after a telecommunications utility elects to become a price-regulated telecommunications utility ~~or, if subd. 4. applies, within the dates specified in that subdivision,~~ the commission shall hold a hearing, and at any time thereafter, upon complaint or on the commission's own motion, the commission may hold a hearing, to determine whether it is in the public interest to

ASSEMBLY BILL 765

1 suspend one or more of the provisions of this subsection as it applies to a
2 price-regulated telecommunications utility or to approve an alternative regulatory
3 method for that utility. In making a determination under this subdivision, the
4 commission shall identify all of the following:

5 **SECTION 3.** 196.196 (1) (g) 4. of the statutes is repealed.

> NOTE: Sections 2 and 3 repeal an outdated provision that specifies deadlines for
hearings for a telecommunications utility that elects to become a price-regulated
telecommunications utility.

6 **SECTION 4.** 196.196 (5) (f) 1. (intro.) of the statutes is amended to read:

7 196.196 (5) (f) 1. (intro.) ~~Before January 1, 1996, and biennially thereafter~~
8 Biennially, the commission shall submit a report to the joint committee on
9 information policy and technology legislature under s. 13.172 (2) describing the
10 status of investments in advanced telecommunications infrastructure in this state.
11 The report shall include information on the progress made in all of the following
12 areas uses if there are issues with the availability or deployment of
13 telecommunications infrastructure for those uses:

> NOTE: Section 4 requires the public service commission to submit a biennial report
on status of investments in advanced telecommunications infrastructure to the
legislature, rather than an annual report to the joint committee on information policy and
technology, and deletes the report's inclusion of information on integrated services digital
network deployment.

14 **SECTION 5.** 196.196 (5) (f) 1. e. of the statutes is repealed.

15 **SECTION 6.** 196.196 (5) (f) 1. f. of the statutes is amended to read:

16 196.196 (5) (f) 1. f. Other infrastructure investments uses identified by the
17 commission.

18 **SECTION 7.** 196.215 (7) (b) 1. of the statutes is amended to read:

19 196.215 (7) (b) 1. ~~Beginning on September 1, 1994, and ending on December~~
20 ~~31, 1997, the basic single-party residential flat rate shall be the weighted average~~

ASSEMBLY BILL 765

SECTION 7

1 ~~basic single-party residential monthly rate for all telecommunications utilities in~~
2 ~~this state as of December 31, 1993, which includes average local usage charges,~~
3 ~~touch-tone charges and extended area service charges but does not include extended~~
4 ~~community calling usage charges.~~ ✓ Beginning on January 1, 1998, the basic
5 single-party residential flat rate shall be the weighted average basic single-party
6 residential monthly rate for all telecommunications utilities in this state, which
7 includes average local usage charges, touch-tone charges and extended area service
8 charges but does not include extended community calling usage charges, subject to
9 adjustment under subd. 2.

> NOTE: [Ⓢ] Section 7 deletes an outdated requirement that set the basic ^{single-party} residential flat rate for the time period from September 1, 1994, to December 31, 1997. ✓

10 **SECTION 8.** ^{196.218} 196.218 (4) of the statutes is amended to read:

11 196.218 (4) ESSENTIAL SERVICES AND ADVANCED SERVICE CAPABILITIES. Before
12 January 1, 1996, and biennially thereafter, the The ✓ commission shall promulgate
13 rules that define a basic set of essential telecommunications services that shall be
14 available to all customers at affordable prices and that are a necessary component
15 of universal service. Before January 1, 1996, and biennially ✓ thereafter, the ✓ The
16 commission shall promulgate rules that define a set of advanced service capabilities
17 that shall be available to all areas of this state at affordable prices within a
18 reasonable time and that are a necessary component of universal service. For rules
19 promulgated before January 1, 1996, a reasonable time for the availability of the
20 defined set of advance service capabilities shall be no later than January 1, 2005,
21 and, for rules promulgated thereafter after December 31, 1995, ✓ a reasonable time for
22 the availability of additional advanced service capabilities in the defined set shall be
23 no later than 7 years after the effective date of the rules. These essential services

ASSEMBLY BILL 765

1 and advanced service capabilities shall be based on market, social, economic
2 development and infrastructure development principles rather than on specific
3 technologies or providers. Essential services include single-party service with
4 touch-tone capability, line quality capable of carrying facsimile and data
5 transmissions, equal access, emergency services number capability, a statewide
6 telecommunications relay service and blocking of long distance toll service.

> NOTE: This ^(C.S.) section deletes outdated references to the time period within which administrative rules must be promulgated relating to essential services and advanced service capabilities; and inserts an ~~updated~~ ^{up-to-date} reference to the time period.

7 SECTION 9. 196.218 (5m) of the statutes is amended to read:

8 196.218 (5m) RULE REVIEW. At least biennially, the The commission shall
9 review and revise as appropriate rules promulgated under this section.

NOTE: This section deletes a requirement to review and revise administrative rules relating to the universal service fund at least biennially. As amended, the commission must review and revise the rules as appropriate.

10 SECTION 10. 196.218 (5r) (a) (intro.) of the statutes is amended to read:

11 196.218 (5r) (a) (intro.) Annually Biennially, the commission shall submit a
12 universal service fund report to the ~~joint committee on information policy and~~
13 ~~technology~~ legislature under s. 13.172 (2). The report shall include information
14 about all of the following:

NOTE: This section changes a requirement that the commission submit the universal service fund report annually to the ~~joint committee on information policy and technology~~ to a biennial report submitted to the legislature under section 13.172 (2) of the statutes. That section requires reports to be submitted to the chief clerk of each house of the legislature, who must publish notice of receipt of the report in the journals of the respective houses and periodically provide a list of the agency reports received to the members of the respective houses.

15 SECTION 11. 196.218 (9) of the statutes is repealed.

NOTE: Section 11 deletes a requirement that the commission conduct a study to determine if emergency telephone services should be supported by the universal service fund. Because the study was submitted by the due date specified in the statute (January 1, 1997), the statute is now obsolete.

16 (END)

INSERT 5-14

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

Date

LRB-0623/1dn

MDK:j.....

nwn

JLd

Don Dyke:

* This bill is a redraft of 2007 AB-765.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

INSERT
D-NOTE

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0623/lins
MDK:.....

INSERT 5-9:

SECTION 1. 196.218 (5r) (title) of the statutes is repealed and recreated to read:
196.218 (5r) (title) REPORT.

INSERT 5-14:

SECTION 2. 196.218 (5r) (b) of the statutes is amended to read:

196.218 (5r) (b) The commission shall prepare a report to determine if public access broadcast channels may receive funding from the universal service fund as an advanced telecommunications service or other service and the effect of federal law on public access broadcast channel funding eligibility. The results of the report shall be included in the 2nd annual report submitted by the commission under ~~par. (a)~~ s. 196.218 (5r) (a), 2007 stats.

History: 1993 a. 496; 1997 a. 27, 41, 237; 1999 a. 9, 29, 185; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 20.

INSERT D-NOTE:

no # 13 Note that, unlike 2007 AB-765, this bill amends s. 196.218 (5r) (b) to clarify a reference
14 to a reporting requirement that no longer applies. Is that okay? Also, note that I changed
15 the title of s. 196.218 (5r).

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0623/1dn
MDK:nwn&jld:rs

November 12, 2008

Don Dyke:

This bill is a redraft of 2007 AB-765. Note that, unlike 2007 AB-765, this bill amends s. 196.218 (5r) (b) to clarify a reference to a reporting requirement that no longer applies. Is that okay? Also, note that I changed the title of s. 196.218 (5r).

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Duerst, Christina

From: Dyke, Don
Sent: Friday, October 30, 2009 10:17 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-0623/1 Topic: Public service commission remedial changes

Please Jacket LRB 09-0623/1 for the ASSEMBLY.
Thanks,
Don Dyke